

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

400Y0274

SENATE BILL NO. 25

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to provide for the release of certain booking photographs.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 23-5-7 be amended to read:

4 23-5-7. ~~All photographs, impressions, measurements, descriptions, or records~~ Any
5 department or institution that makes or takes any photograph, impression, measurement,
6 description, or record including confidential criminal investigative information, taken or made
7 as provided for in § 23-5-6 shall be filed and preserved by the department or institution ~~where~~
8 ~~made or taken and shall not be published, transferred, or circulated.~~ The department or
9 institution may not publish, transfer, or circulate any impression, measurement, description,
10 record, or photograph, except a criminal booking photograph, outside such the department or
11 ~~institutions, nor exhibited to the public or any person or persons~~ institution except to a duly
12 authorized law enforcement ~~officers unless~~ officer. If the subject of ~~such photograph, a~~
13 measurement, description, or other record becomes a fugitive from justice, or escapes from a
14 penal institution then the measurement, description, or record may be exhibited to the public.
15 ~~However, this~~ This section ~~shall~~ does not apply to the release of information allowed pursuant



1 to § 24-2-20. Any criminal booking photograph is a public record pursuant to chapter 1-27.

2 Nothing in this section requires any law enforcement agency to provide or reproduce a
3 criminal booking photograph older than six months from the date of request. An agency
4 requested to provide or reproduce a criminal booking photograph is entitled to recover costs of
5 retrieval or reproduction pursuant to § 1-27-35.